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February 29, 2016

**Via ECF and E-Mail**

Honorable Douglas E. Arpert, U.S.M.J.  
U.S. District Court for the District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, N.J. 08608

Re: *Sucampo AG, et al. v. Dr. Reddy's Laboratories, Ltd., et al.*  
Civil Action No. 3:14-cv-07114 (MAS)(DEA)

Dear Judge Arpert:

We represent the Dr. Reddy's defendants. This letter forwards to Your Honor additional authority relevant to the "plain meaning" dispute discussed at the February 24 Status Conference. The additional authority is today's decision by the Federal Circuit in *Eon Corp, IP Holdings LLC v. Silver Spring Networks, Inc.*, No. 2015-1237 (Fed. Cir. Feb. 29, 2016).

In *Eon*, "the parties actively disputed the scope of the 'portable' and 'mobile' terms." *Slip Op.* at 8. Just as Plaintiffs do here, the patentee "argued that neither term needed construction, and both could simply be given their plain and ordinary meaning." *Id.* at 5. The district court agreed with the patentee "that the terms 'do not require construction because their meanings are clear in the context of the claims and will be readily understandable to the jury.'" *Id.* The Federal Circuit reversed, explaining: "By determining only that the terms should be given their plain and ordinary meaning, the court left this question of claim scope unanswered, leaving it for the jury to decide. This was legal error." *Slip Op.* at 9.

Responding to the dissent, the majority stated that rejecting a proposed construction in favor of a general instruction to give the terms their plain and ordinary meaning, did not resolve the relevant dispute. *Id.*

Respectfully submitted,  
BUDD LARNER, P.C.

s/Louis H. Weinstein  
Counsel for Defendants  
Dr. Reddy's Laboratories, Inc.  
Dr. Reddy's Laboratories, Ltd.

Attachment

cc: Counsel for Plaintiffs via ECF and e-mail  
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